

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

CONTINENTAL INSURANCE  
COMPANY,

Plaintiff,

v.

TRANSATLANTIC REINSURANCE  
COMPANY,

Defendant.

NO. C03-1448 TEH

ORDER OF DISMISSAL

TRANSATLANTIC REINSURANCE  
COMPANY,

Plaintiff,

v.

CONTINENTAL INSURANCE  
COMPANY,

Defendant.

NO. C03-5470 TEH

This Court is in receipt of Defendant Transatlantic Reinsurance Company's August 9, 2006 letter advising the Court that the parties have settled this case in principle and are working to document their agreement. Accordingly, with good cause appearing, IT IS HEREBY ORDERED that both Defendant's Motion for Leave to Designate Expert and File Expert Report and this Court's July 6, 2006 Order to Show Cause are VACATED as moot.<sup>1</sup>

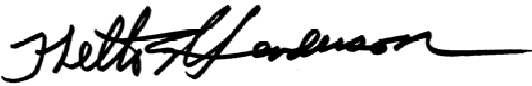
Because the parties have reached a settlement, IT IS FURTHER ORDERED that the above consolidated cases shall be dismissed with prejudice, and the Clerk shall close the files. However, if any party certifies to this Court, with proof of service of a copy to

<sup>1</sup>Although a settlement by the parties does not automatically vacate a court's order to show cause, the Court does not find sanctions to be warranted in this case in light of the parties' settlement and the specific actions giving rise to the order to show cause.

opposing counsel, within ninety (90) days from the date of this order, that the agreed consideration for the parties' settlement has not been delivered, then this order of dismissal shall be vacated and these cases shall forthwith be restored to the Court's calendar to be set for trial.

**IT IS SO ORDERED.**

Dated: 08/11/06

  
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THELTON E. HENDERSON, JUDGE  
UNITED STATES DISTRICT COURT